IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

KEN PAXTON, in his official capacity as Attorney General of Texas, <i>et al</i> .)
Plaintiffs,) Civil Action No. 4:22-cv-00143-P
vs.)
GARY M. RESTAINO, in his official)
Capacity as Acting Director, Bureau of)
Alcohol, Tobacco, Firearms and)
Explosives, et al.)
Defendants.)

<u>DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEADLINE</u> <u>FOR RESPONSE TO SECOND AMENDED COMPLAINT</u>

Pursuant to Rules 6 and 15 of the Federal Rules of Civil Procedure, Defendants file this Motion to Extend their deadline for Response to Plaintiffs' Second Amended Complaint by two business days, from July 29, 2022 to August 2, 2022. Counsel for Defendants has conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this motion. This is the first request for an extension of this deadline.

There is good cause for this motion. This case was filed on February 24, 2022 (ECF 1), and Plaintiffs filed an Amended Complaint on May 17, 2022. (ECF 11). Plaintiffs then filed an unopposed motion for leave to file a Second Amended Complaint on July 1, 2022. (ECF 19). On July 5, 2022, the Court granted Plaintiffs' motion for leave to amend, ordered Plaintiffs to file their Second Amended Complaint on July 15, 2022, and ordered Defendants to respond to the Second Amended Complaint by July 29, 2022. (ECF 20). Plaintiffs filed their Second Amended Complaint on July 15, 2022. (ECF 22).

Defendants respectfully seek a brief extension of two additional business days to file their

response to Plaintiffs' Second Amended Complaint. Defendants' counsel has encountered an unexpected family medical emergency that will require her to be away from work for a substantial part of this week, including all day on July 29 when Defendants' motion to dismiss is due. The requested two-day extension would make it possible for Defendants' counsel to meet her family's unexpected medical needs, and also ensure that Defendants are able to provide a thorough response to the Court on the important issues at hand. Moreover, in light of the fact this case has been pending for five months during which the Complaint has been amended twice, this two-day extension will not cause any undue delay or prejudice.

Accordingly, Defendants respectfully request that the Court grant this motion for extension of time and set the deadline for Defendants' response to the Second Amended Complaint for August 2, 2022.

DATED: July 25, 2022 Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General Civil Division

LESLEY FARBY
Assistant Branch Director

/s/ Emily B. Nestler

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Counsel for Defendants

CERTIFICATE OF SERVICE

On July 25, 2022, I electronically submitted the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Emily B. Nestler EMILY B. NESTLER